



State of Nevada

Dept. of Conservation & Natural Resources

**State Environmental Commission** SEC.nv.gov

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

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## Revised Agenda SEC Regulatory Meeting

The State Environmental Commission (SEC) will hold a meeting on Wednesday, December 9, 2020 at 9:00 am. Pursuant to the Governor's Emergency Directive 006, this meeting will be conducted online via Lifesize and there will be no physical location for the meeting.

Join the meeting: <https://call.lifesizecloud.com/5156420>

Join the Lifesize meeting using Skype for Business: <https://skype.lifesizecloud.com/5156420>

Call in by Phone (audio only)

United States: +1 (877) 422-8614

Meeting extension: 5156420#

**Please Note:** The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the SEC may delay discussion relating to an item on the agenda at any time. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the SEC may refuse to consider public comment. See NRS 233B.126

### 1) Call to Order, Roll Call, Establish Quorum (Discussion)

### 2) Public Comment:

Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three minutes per person at the discretion of the chairperson.

### 3) Election of Vice Chairman (For Possible Action)

### 4) Approval of July 1, 2020 Meeting Minutes (For Possible Action)

## **REGULATORY PETITION**

### **5) Permanent Regulatory Petition R126-19: Enhanced Administrative Process for NDEP Certification Programs (For Possible Action)**

NDEP is proposing to amend NAC 445A and NAC 459 to outline a process for implementing existing disciplinary authority that will ensure a certified individual, subject to disciplinary action, has a clear due process and appeal procedures.

**Recommendation:** Approve and adopt permanent regulatory petition R126-19, as proposed, or take other action as appropriate.

## **AIR PENALTIES**

### **6) Cemex Construction Materials Pacific, LLC - NOAV No. 2788 (For Possible Action)**

Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit AP1442-3826.

**Recommendation:** Approve NDEP-recommended penalty for Cemex Construction Materials Pacific, LLC in the amount of \$25,620.00 for NOAV No. 2788, or take other action as appropriate.

### **7) Tahoe Western Asphalt, LLC - NOAV Nos. 2783, 2784, and 2786 (For Possible Action)**

Alleged failure to construct or operate a stationary source in accordance with any condition of an operating permit, in violation of Class II Air Quality Operating Permit 1611-3748 (FIN A1969).

**Recommendation:** Approve NDEP-recommended penalties for Tahoe Western Asphalt, LLC in the amounts of \$870.00 for NOAV No. 2783, \$117,450.00 for NOAV No. 2784, and \$10,000.00 for NOAV No. 2786, totaling \$128,320.00, or take other action as appropriate.

### **8) Administrator's Briefing to the Commission: (Discussion) Administrator Greg Lovato will brief the Commission on general management updates.**

### **9) Public Comment:**

Members of the public will be invited to speak before the SEC; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three minutes per person at the discretion of the chairperson.

### **10) Adjournment**

As required by the provisions of chapter 241 of Nevada Revised Statutes and the Governor's Emergency Directive 006, this agenda was electronically provided to all persons on the State Environmental Commission's e-mail distribution list and was also posted no later than three working days prior to the regulatory hearing on the following websites:

- State Environmental Commission Website: <https://sec.nv.gov/meetings/sec-regulatory-meeting-december-9-2020>
- Nevada Legislature website: <https://www.leg.state.nv.us/>
- State of Nevada Public Notice website: <https://notice.nv.gov/>

Supporting material for the above referenced meeting are posted on the State Environmental Commission's website at: <https://sec.nv.gov/meetings/sec-regulatory-meeting-december-9-2020> . Anyone desiring supporting material or additional information is invited to contact Valerie King at (775) 687-9374.

Persons wishing to comment on the proposed actions of the SEC may join the virtual public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action requests time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public who are disabled and require special accommodations or assistance are requested to notify, in writing, the Nevada State Environmental Commission, in care of Valerie King, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9374, no later than 5:00 p.m. on December 7, 2020.